

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Dale Chisena,

Petitioner,

v.

Warden Mansukani,

Respondent.

Civil Action No.: 5:17-753-BHH

ORDER

Petitioner Dale Chisena ("Petitioner"), a federal prison inmate proceeding *pro se*, filed this habeas relief action pursuant to 28 U.S.C. § 2241. (ECF No. 1.) The matter is before the Court for review of the Report and Recommendation ("Report") of United States Magistrate Judge Kaymani D. West, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(c) D.S.C.

On May 30, 2017, Magistrate Judge West issued a Report recommending that the Court dismiss the petition without prejudice. (ECF No. 16.) The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. (*Id.* at 6.) On June 12, 2017, a Text Order (ECF No. 22) was entered granting Petitioner's motion for additional time to file objections (ECF No. 21). Petitioner has filed no objections and the time for doing so expired on July 10, 2017.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of any portion of the Report of the

Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court reviews the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation”) (citation omitted).

After a careful review of the record, the applicable law, and the Report of the Magistrate Judge, the Court finds no clear error. Accordingly, the Court adopts and incorporates the Report (ECF No. 16) by reference into this order. It is therefore ORDERED that this action is DISMISSED without prejudice.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

July 12, 2017
Greenville South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.